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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 SECURITIES AND EXCHANGE
7 COMMISSION,

Case No. 3:16-cv-00270-MMD-VPC

ORDER

8 Plaintiff,

9 v.

10 DAVID B. KAPLAN, ESQ.,
11 SYNCHRONIZED ORGANIZATIONAL
12 SOLUTIONS, LLC, SYNCHRONIZED
13 ORGANIZATIONAL SOLUTIONS
14 INTERNATIONAL, LTD, and MANNA
15 INTERNATIONAL ENTERPRISES, INC.,

Defendants,

14 and

15 LISA M. KAPLAN, THE WATER-
16 WALKING FOUNDATION, INC., and
17 MANNA INVESTMENTS, LLC,

Relief Defendants.

18 Before the Court is Defendant David B. Kaplan's ("Kaplan") motion to represent
19 his co-defendants ("Defendants") and Relief Defendants ("Motion"). (ECF No. 73.) Plaintiff
20 has responded and Defendant has replied. (ECF Nos. 76, 77.) For the reasons discussed
21 below, the Motion is denied.

22 Kaplan asked the Court to waive the requirements of LR IA11-2(a) and LR IA 11-
23 2(b)'s admission fee.¹ In particular, Kaplan asked the Court to waive two of LR IA 11-
24 2(a)'s requirements: (1) that an attorney who is seeking admission to practice in a
25 particular case not be a resident of Nevada and (2) that the attorney associate an active

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27 ¹Kaplan seeks *in forma pauperis* status pursuant to LSR 1-1 in asking the Court to
28 waive LR IA 11-2(b)'s admission fee. (ECF No. 73 at 3) However, LSR 1-1 addresses a
plaintiff's initial filing fee, not the admission fee imposed pursuant to LR IA 11-2(b) in
connection with an attorney's request to appear in a particular case.


1 member in good standing with the State Bar of Nevada as attorney of record. (ECF No.
2 73 at 2-3.)

3 LR IA 11-2 establishes requirements for an attorney who is not a member of the
4 bar of this court to appear in a particular case by submitting "a verified petition only if the
5 [enumerated] requirements are met[]." LR IA 11-2(a). LR IA 11-2(h) provides that the court
6 may grant or deny a petition to practice. The requirements that Kaplan asks the Court to
7 waive serve important goals, including preventing abuse by those who may attempt to
8 circumvent the State Bar of Nevada's licensing requirements and ensuring that competent
9 counsel appear before the Court who are familiar with the Court's local rules and practices
10 through affiliation with local counsel. For these reasons, Kaplan's request that the Court
11 waive these requirements is denied. Kaplan may continue to represent himself, but he
12 will not be permitted to appear in this case on behalf of Defendants or Relief Defendants
13 without complying with LR IA 11-2.

14 Defendant's alternative request that the Court dismiss Defendants and Relief
15 Defendants is also denied. Defendant cites to no authority to support his request. The
16 Court is not aware of any authority that would support dismissal of a defendant, whether
17 corporate or individual, because of that party's claimed financial hardship to retain
18 counsel.

19 It is therefore ordered that Defendant's motion to represent Defendants and Relief
20 Defendants (ECF No. 73) is denied. Defendants and Relief Defendants who are
21 corporations or limited liability companies cannot appear pro se. See *Licht v. Am. W.*
22 *Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994). They must therefore appear through retained
23 counsel by July 19, 2017. Failure to do so will result in default judgment being entered
24 against these Defendants and Relief Defendants.

25 DATED THIS 24th day of May 2017.

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27 
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE